

REMARKS:**I. Introduction**

In the Office Action mailed on February 22, 2006, the Examiner rejected claims 1 to 38. The present amendment cancels claims 13 to 19, and 28 to 34, amends claims 1, 20, and 35, and adds new claim 39. Accordingly, claims 1 to 12, 20 to 27, and 35 to 39 are now pending in this application.

II. Claim Rejections Based on 35 U.S.C. § 102

(a) The Examiner rejected claims 1, 3, 8, and 9 under 35. U.S.C. 102(b) as anticipated by Hopper (US 567,391).

Hopper discloses a digging spade or fork having one or a pair of rollers (E) but applicant respectfully submits that the digging fork does not disclose having a plane formed by a planer portion of blade forming the cutting edge that is substantially tangent to a radial periphery of at least one of the rollers (E). The plane formed by the end portion of the blades or tines (A) is spaced apart from the periphery of the rollers (E). Additionally, planar portion of the blade of the present invention forms a plane that is substantially tangent to the outer periphery of the wheel at the side which engages the roof surface when the blade is engaging the roof surface so that the planar portion of the blade forming the leading edge is substantially parallel to the roof surface when the wheels and the blade are engaging the roof surface.

Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitations of "wherein the blade and the wheels are positioned such that a plane formed by the planar portion of the blade is substantially tangent to a radial periphery of at least one of the wheels so that the planar portion of the blade forming the leading edge is substantially parallel to a roof surface when the wheels and the blade are engaging the roof surface." No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 1. Reconsideration and withdrawal of the rejection is requested.

III. Claim Rejections Based on 35 U.S.C. § 103

(a) The Examiner rejected claims 1 to 4, 8, and 9 under 35. U.S.C. 103(a) as unpatentable over Crookston (US 4,809,436) in view of Hopper (567,391).

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Crookston discloses a shingle stripping tool having a pair of fulcrum portions (20). When the front portion 14b of the blade and the fulcrum portions (20) are engaging the roof. As clearly shown in FIG. 4, the front portion 14b of the blade is not parallel to the roof surface when the front portion 14b and the fulcrum portions are engaging the roof surface. The planar portion of the blade of the present invention forms a plane that is substantially tangent to the outer periphery of the wheel at the side which engages the roof surface when the blade is engaging the roof surface so that the planar portion of the blade forming the leading edge is substantially parallel to the roof surface when the wheels and the blade are engaging the roof surface. As discussed above, Hopper does not provide the shortcomings of Crookston.

Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitations of "wherein the blade and the wheels are positioned such that a plane formed by the planar portion of the blade is substantially tangent to a radial periphery of at least one of the wheels so that the planar portion of the blade forming the leading edge is substantially parallel to a roof surface when the wheels and the blade are engaging the roof surface." No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 1. Reconsideration and withdrawal of the rejection is requested.

(b) The Examiner rejected claims 5 to 7, 13, 16, 17 and 35 under 35. U.S.C. 103(a) as unpatentable over Crookston (US 4,809,436) in view of Hopper (567,391) and further in view of Zeisig (US 3,222,699).

Dependent claims 5 to 7 are allowable as depending from allowable independent claim 1 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

Claims 13, 16, and 17 have been cancelled without prejudice as to resubmission in this or a continuing application.

Independent claim 35, and claims dependent therefrom, are allowable because they each include the limitations of "wherein the blade and the wheels are positioned such that a

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plane formed by the planar portion of the blade is substantially tangent to a radial periphery of at least one of the wheels so that the planar portion of the blade forming the leading edge is substantially parallel to a roof surface when the wheels and the blade are engaging the roof surface." No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 35. As discussed above, Crookston nor Hopper disclose or suggest this limitation and Zeisig does not provide the shortcomings of Crookston and Hopper. Reconsideration and withdrawal of the rejection is requested.

(c) The Examiner rejected claims 10, 14 to 16, 20 to 25, 36 and 37 under 35. U.S.C. 103(a) as unpatentable over Crookston (US 4,809,436) in view of Hopper (567,391) as applied to claim 1 and Crookston (US 4,809,436) in view of Hopper (567,391) and further in view of Zeisig (US 3,222,699) as applied to claim 13, and further in view of Jacobs et al. (5,957,516).

Dependent claim 10 is allowable as depending from allowable independent claim 1 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

Claims 14 to 16, and 17 have been cancelled without prejudice as to resubmission in this or a continuing application.

Independent claim 20, and claims dependent therefrom, are allowable because they each include the limitations of "pin laterally extending through the shaft and fixed to the shaft at a position spaced from the end of the shaft" and "wherein the pin extends into longitudinally extending slots on opposed sides of the passage to limit axial movement of the rear grip relative to the shaft." No prior art of record reasonably discloses or suggests the present invention as defined by independent claim 20. Note that Jacobs discloses a providing a fixed pin in an outer tube (4) that extends through slots on the inner tube (6) and engages the spring (14). The present invention provides a construction that eases assembly and disassembly. Reconsideration and withdrawal of the rejection is requested.

Dependent claims 36 and 37 are allowable as depending from allowable independent claim 35 as discussed above and independently allowable for novel and nonobvious matter

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claimed therein. Reconsideration and withdrawal of the rejection is requested.

(d) The Examiner rejected claims 11, 12, 18, 19, 26 to 34, and 38 under 35. U.S.C. 103(a) as unpatentable over as unpatentable over Crookston (US 4,809,436) in view of Hopper (567,391) as applied to claim 1, Crookston (US 4,809,436) in view of Hopper (567,391) and further in view of Zeisig (US 3,222,699) as applied to claim 13, and Crookston (US 4,809,436) in view of Hopper (567,391) and further in view of Zeisig (US 3,222,699) and further in view of Jacobs et al. (5,957,516) as applied to claim 20, further in view of Adams (4,690,447).

Dependent claims 11 and 12 are allowable as depending from allowable independent claim 1 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

Claims 18, 19, and 28 to 34 have been cancelled without prejudice as to resubmission in this or a continuing application.

Dependent claims 26 and 27 are allowable as depending from allowable independent claim 20 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

Dependent claim 38 is allowable as depending from allowable independent claim 35 as discussed above and independently allowable for novel and nonobvious matter claimed therein. Reconsideration and withdrawal of the rejection is requested.

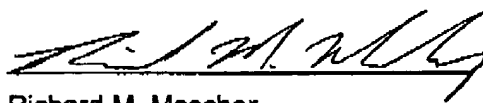
IV. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

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Respectfully submitted,



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